

Proposal No. 3
S. 82nd and Roca Road

Location	Proposal
northwest of the corner of S. 82 nd Street and Roca Road.	Amend the 2025 Lincoln/ Lancaster County Comprehensive Plan to 1) show a 119 acre parcel as Residential - Low Density 2) show an 80 acre parcel as Residential - Low Density
Recommendation: Denial This proposal for low density residential development should not be approved as there are adequate opportunities for a low density development to occur in Lancaster County. The area should remain designated for agriculture use.	

Status/Description

This property is on the northwest corner of 82nd and Roca Road. It is within one mile of the City of Hickman's extraterritorial jurisdiction. Roca Road is paved to rural standards and S. 82nd Street is gravel, but it is shown as future paved and is in the County Engineer 1-6 year CIP for engineering (not for construction). This land is within the Lancaster County Rural Water District #1 and appears to be in the drainage basin that drains into Wagon Train Lake. There is an area designated as Residential Low Density to the southwest, across Roca Road. There are not any acreage subdivisions within the square mile of this proposal.

Comprehensive Plan Implications

The Comprehensive Plan already provides for a sufficient area and variety of tools for acreage residential subdivisions. This land is designated in the current Comprehensive Plan as agricultural. Approval of this request will trigger additional requests similar treatment throughout the area between Hickman, Roca and Lincoln. The vision of the Comprehensive Plan encourages preservation of productive farm land in the County, and discourages the extensive use of rural land with acreages as wasteful and in the long run, costly in other ways.

The neighboring town, Hickman, has developed a new comprehensive plan and identified their intention for this area. They show this as Low Density Residential. However, Hickmans' intent is that the shown low density acreage development outside of the town be built with "Build-Through", as Lincoln now utilizes in the Lincoln three mile. Neither Hickman nor Lancaster County has that mechanism in place currently.

The Comprehensive Plan calls for 90% of the population of the county to reside in Lincoln, 3% in the other incorporated towns of the county and 6% in low density acreage development in rural areas. In the recent few years, acreage development and building has experienced a boom. AGR zoned areas, the provision for "farmstead splits", the popular "cluster development" (CUP) with bonuses, pre-existing lots and the new "two 3's per 40" provision for a land owner to create and sell three acre lots have all been reflected in development were 9 - 12% of new single family dwelling

unit permits are occurring outside of the towns of Lancaster County. Thus, existing tools are responding more that adequately to the demand.

In addition, the County is working at the State Legislature to provide for Transfer of Development Rights (TDR) which will add additional opportunities and flexibility for acreage development to be created by purchasing development rights and transferring them from areas that are better off being left undeveloped to areas that are better able to handle higher densities. But the TDR concept will not work unless the County Board is consistent in telling prospective acreage developers that they must buy the rights to allow more lots from other landowners and not just give it away by rezoning.

The current AG zoning provides for about 32 dwellings per square mile. Since gravel road improvements are needed at about 400 ADT, (acreage residents are estimated to produce about 10 trips per day), the current AG zoning supports about the maximum number of dwellings in the rural area without the added cost of paving. Although 68th Street and Roca Road are paved in this general area, and the County Engineer would like to pave 82nd Street someday, that paving is not scheduled, and eventually more acreage developments in this area will create pressures for more road paving. The County Engineer (memo of Oct 11, 2006 attached) notes that they generally support development that takes advantage of existing paved roads. However, he is concerned on opening up all of Roca road. 2005 traffic counts were at 950 adt east of S. 68th and 540 adt west of Hwy 34. Roca Road between S. 68th and S. 110th Street (this location) was paved prior to State standards and has narrow shoulders, 22' wide paving and lesser sight distance standards.

Though there is debate on the conclusions, the completed "Cost of Service" study did indicate that the average new acreage residence was not paying its way relative to the cost of providing county services such as roads and public safety.

Conclusion

There are more than adequate opportunities for low density/acreage development in the unincorporated areas of the county, and proposals regarding additional low density residential developments should not be approved. This particular request, without buildthrough and without 82nd Street paving assured anytime soon, is at best premature.

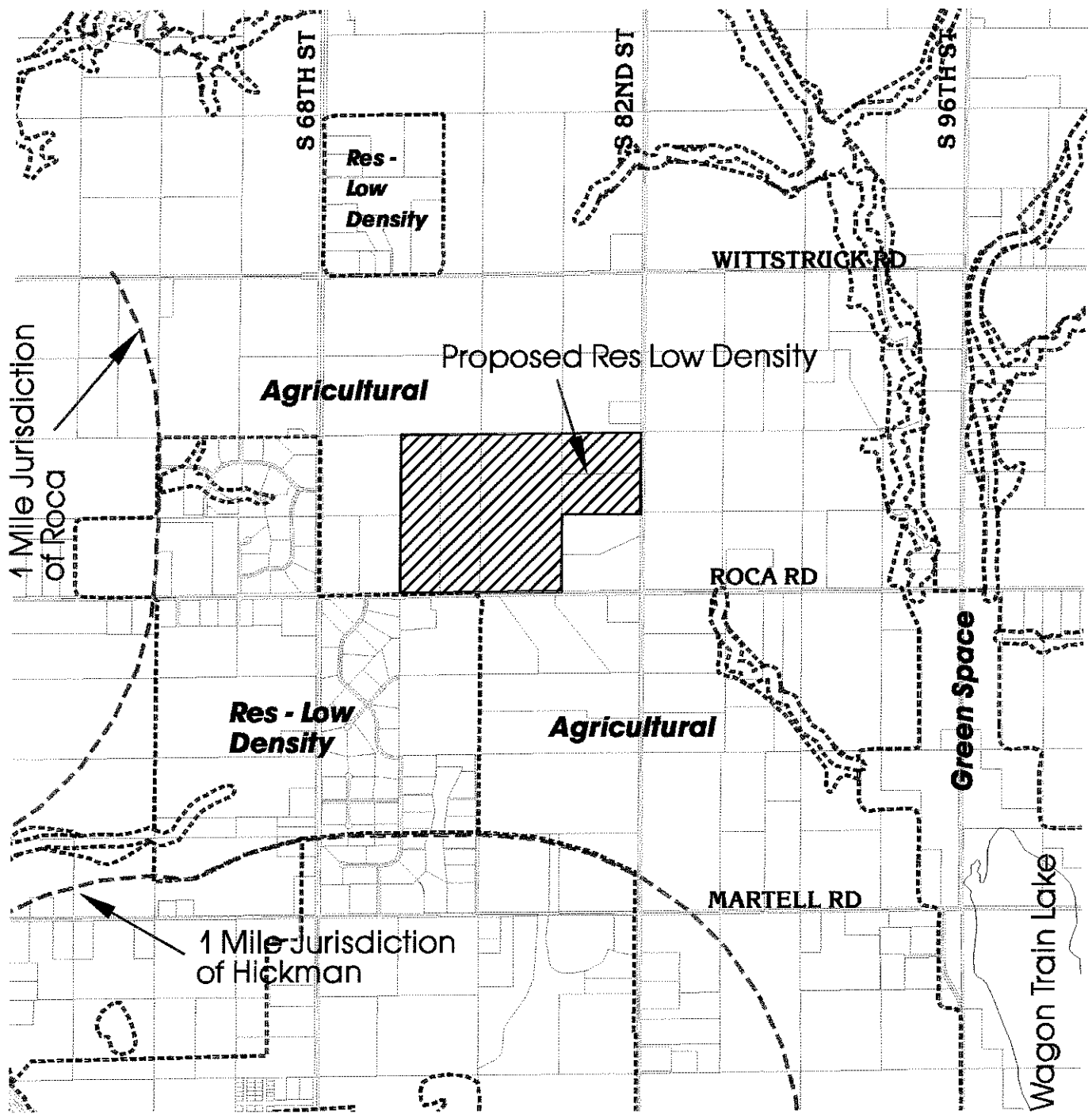
Prepared by:



Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov
Planning Department


Date: October 12, 2006

Applicant: Tom Huston for Mr. Alan Baade and Mr. Kenneth Mueller
Cline Williams, Wright, Johnson & Oldfather
1900 U.S. Bank Building
233 South 13th Street
Lincoln, NE 68508-2093
(402) 474-6900



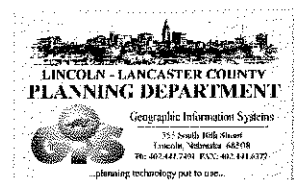
S 82nd & Roca Rd

2030 Comprehensive Plan Proposal # 3

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
-  From Agricultural to Res - Low Density



Scale: 1 inch = 2500 feet



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CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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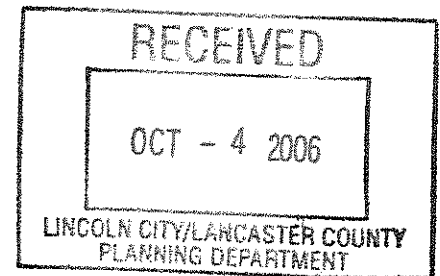
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ANDREW R. WILLIS

October 3, 2006

CHARLES E. WRIGHT, COUNSEL
CHARLES M. PALLESEN, JR., COUNSEL
ALAN E. PETERSON, COUNSEL
RICHARD P. JEFFRIES, COUNSEL

Mr. Steve Henrichsen
Lincoln-Lancaster County Planning Department
555 South 10th Street Rm 213
Lincoln NE 68508

Re: Comprehensive Plan - 2030 Update
BAA01-RE003



Dear Mr. Henrichsen:

I represent Alan Baade who owns approximately 119 acres located generally at the northwest corner of Roca Road and South 82nd Street. This tract of land is legally described as:

Lots 4, 10, 11 of the Southeast Quarter of Section 15, Township 8 North, Range 7 East of the 6th p.m. in Lancaster County, Nebraska.

Mr. Baade has asked me to file a request for an amendment to the Comprehensive Plan 2030 to designate the subject property as low density residential. My client has the continued desire to develop his property into acreage development. My client believes that this property should receive the Comprehensive Plan designation change from agricultural to that of low density residential because of a variety of factors including, but not limited to, the following:

1. The subject property is beyond "Tier III" of the future Lincoln growth areas and would never be capable of being serviced with sanitary sewer from either Lincoln or Hickman.

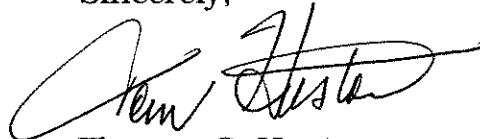
October 3, 2006

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2. The Property has good proximity to water service lines of Rural Water District No. 1. Rural Water District No. 1 has a 4 inch main water line on 82nd Street and a 6 inch main line on Roca Road. The proximity of the water lines on two sides of the subject property would provide excellent water service to this acreage development.
3. The property has direct access to Roca Road which is a paved main thorough fare for transportation services. Further, in the not too distant future, Lancaster County has plans to surface the 82nd Street through to Highway 2.
4. The subject property is sub prime agricultural land and is not conducive to continue to agricultural use due to the fact that agricultural use faces diminishing returns.
5. Roca Road has become a destination corridor for acreage development. This fact is evidenced by the multiple acreage developments along Roca Road including, but not limited to, the preserve Cross Creek, the preserve at Cross Creek first addition, Hickman Ridge Estates, and assorted 5-10 acre tracks located adjacent to Roca Road within a one mile radius of the subject property.

As you, the Planning Department and the County Board are aware, my client has made prior attempts to change the zone of this property to the AGR designation. However, those applications were not well received due to the fact that the current Comprehensive Plan designates the property as agricultural on the future land use map. Thus, my client desires to amend the Comprehensive Plan to show the future use as low density residential. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Huston", written over a horizontal line.

Thomas C. Huston
For the firm

cc. Alan Baade
Lyle Loth

LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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October 10, 2006

Mr. Steven Henrichsen
Lincoln-Lancaster County Planning Department
555 South 10th Street, Room 213
Lincoln NE 68508

Re: Comprehensive Plan - 2030 Update

Dear Mr. Henrichsen:

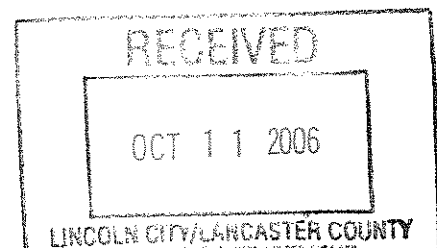
I have been engaged by Kenneth H. Mueller, who resides at 7401 Roca Road, Roca, Nebraska 68430, to provide you a written request for an update to the Lincoln-Lancaster County Comprehensive Plan - 2030 Update for his property located generally adjacent to Roca Road. Last week, I had sent to you a letter on behalf of my other client, Alan Baade, who owns approximately 119 acres located at the northwest corner of Roca Road and South 82nd Street. Mr. Mueller wishes to add his request to that made by Mr. Baade for his property to be designated as low-density residential.

Mr. Mueller owns approximately 160 acres adjacent to Roca Road. The property is designated as follows:

- a. 80 acres located south of Roca Road. Mr. Mueller owns 80 acres on the south side of Roca Road which is adjacent to existing acreage development on two of its three sides. This property is legally described as Lot 4 and the SW 1/4 of the NW 1/4 of Section 22, Township 8 North, Range 7 East.
- b. Mr. Mueller also owns two parcels of 40 acres each located north of Roca Road. This property is legally described as Lots 6 and 7, in the SW 1/4 of Section 15, Township 8 North, Range 7 East.

Mr. Mueller believes that this property should receive the Comprehensive Plan designation change from agriculture to that of low-density residential because of a variety of factors including, but not limited to, the following:

L0713470.1



October 10, 2006

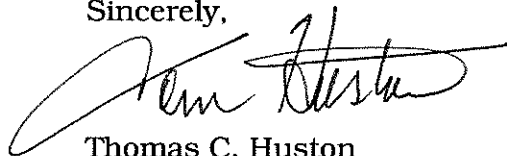
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1. The property is beyond "Tier III" of the future Lincoln growth areas and will never be capable of being serviced with sanitary sewer from either Lincoln or Hickman.
2. The property has good proximity to water service lines of Rural Water District No. 1. The Rural Water District has a six-inch main water line located adjacent to Roca Road. This water service line would provide excellent water service to a potential acreage development on the Mueller property.
3. The property has direct access to Roca Road, which is a paved main street for transportation purposes.
4. The property is sub-prime agricultural land.
5. Roca Road has become a destination corridor for acreage development. The Mueller property is adjacent to Hickman Ridge Estates and other acreage properties. The Mueller property north of Roca Road is located in close proximity to the Preserve at Cross Creek and the Preserve at Cross Creek 1st Addition.

Please consider this request in conjunction with the request made on behalf of Alan Baade. Collectively, Messrs. Mueller and Baade own approximately 280 acres.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Huston", with a stylized flourish at the end.

Thomas C. Huston
For the Firm

c: Kenneth H. Mueller
Alan Baade

Lancaster
County

DON R. THOMAS - COUNTY ENGINEER

Engineering

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

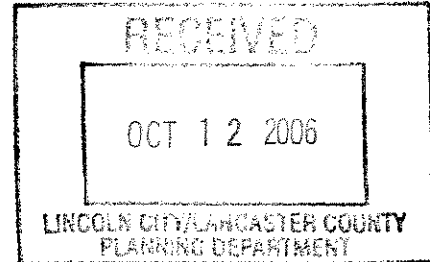
Department

DATE: October 11, 2006

TO: David Cary
Planning Department

FROM: Don R. Thomas Don Thomas
County Engineer

SUBJECT: PROPOSED CHANGE IN LAND USE FOR THE NW
CORNER OF SOUTH 82ND STREET AND ROCA ROAD



We have responded on two previous occasions for AGR development on this corner. The first proposal was for 35 lots and the second was for 24 lots. We have over the years stated our support for developments that would take advantage of the existing paved roads that have room to support more traffic, however, that said, we would be concerned opening up all of the Roca Road to low density residential development. In 2005, we had traffic counts that ranged from 950 adt (1½ mile east of south 68th Street) to 540 adt (1½ mile west of Highway #34). This road certainly meets the criteria of lower counts that can allow for some new development, but caution is important so as not to overload the road with too much traffic.

I would offer that the Roca Road between South 68th Street and South 110th Street was paved prior to State Standards being in place and has narrow shoulders, 22' wide pavement and lesser sight distance standards. The portion between South 110th Street and State Highway #43 was re-graded and paved in 1976 to current standards with 6' shoulders, 24' pavement and 50 mph vertical curves that provide greater sight distance.

We felt this development was acceptable especially with 7" paved streets that would tend to lead traffic to the Roca Road rather than South 82nd Street which is an old gravel county road. I would note that any improvements to South 82nd Street are years away from reality. This particular development does raise the issue of "how will AGR development be handled in the County", as I am not sure I clearly understand.

cc: Larry Worrell
Doug Pillard

DRT/bml
Phyllis/DRT/Cary - Proposed Change in Land Use.Mem